



MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Karen Thomas, Case Manager
Joel Lawson, Associate Director Development Review

DATE: April 3, 2012

SUBJECT: **BZA Case 18361** - Expedited request pursuant to DCMR 11 § 3118 for special exception relief under § 223 to construct a garage at 808 L Street N.E.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following special exception relief pursuant to § 223 from:

- § 401 (minimum lot width of 18 feet required, 17.7 feet existing);
- § 406 (minimum lot area 1,800 sf. required, 1,712 sf. existing); and
- § 403 (maximum lot occupancy of 60% allowed, 70% proposed).

II. LOCATION AND SITE DESCRIPTION:

Address	808 L street SE
Legal Description	Square 908 , Lot 51
Ward/ANC	6/6A
Lot Characteristics	The rectangular lot has an area of 1,712 square feet. It is 17.7 feet wide along the L Street frontage and along the rear abutting the 15-foot wide public alley.
Zoning	R-4
Existing Development	A two-story row dwelling with wooden stockade fences extending along both side property boundaries with a roll-down gate which encloses the rear yard from the ally.
Historic District	None
Adjacent Properties	Similar two-story row dwellings, some with garages.

III. PROJECT DESCRIPTION IN BRIEF

Applicant	George Boguslawski, owner of record
Proposal	Construct a one-story garage with roof deck, approximately 22 x 17 feet in area. The accessory structure would increase the lot occupancy from 43% to 70%.
Relief Sought	§223 – for relief to increase the allowable lot occupancy for the proposed accessory structure.

IV. ZONING REQUIREMENTS

R-4 District	Regulation	Existing	Proposed	Relief
Height (ft.) § 400	40 ft. max., 3 floors	28 ft., 2 fl.	28 ft., 2 fl.	None required
Lot Width (ft.) § 401	18 ft. min.	17.7 ft.	SAME	<i>Existing nonconformity</i>
Lot Area (sq.ft.) § 401	1,800 sq. ft. min.	1,712 sq. ft.	SAME	<i>Existing nonconformity</i>
Lot Occupancy § 403	60% max.	43%.	70%	<i>Required</i>
Rear Yard (ft.) § 404	20 ft. min.	24.9ft.	24.9 ft.	None required
Side Yard (ft.) § 405	0 ft. min.	0 ft.	SAME	None required

Based on the above analysis the proposed addition also requires relief from the minimum lot width and lot area dimensions required for one-family dwellings in the R-4 district.

V. OP ANALYSIS:

223 ZONING RELIEF FOR ADDITIONS TO ONE-FAMILY DWELLINGS OR FLATS (R-1) AND FOR NEW OR ENLARGED ACCESSORY STRUCTURES

223.1 An addition to a one-family dwelling or flat, in those Residence districts where a flat is permitted, or a new or enlarged accessory structure on the same lot as a one-family dwelling or flat, shall be permitted even though the addition or accessory structure does not comply with all of the requirements of §§ 401, 403, 404, 405, 406, and 2001.3 shall be permitted as a special exception if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section.

One family row dwellings with accessory garages are permitted uses as a matter-of-right. The proposed addition requires special exception relief under § 223 from the requirements for minimum lot width (§ 401), minimum lot area dimensions (§ 401) and maximum lot occupancy (§ 403). No other relief is anticipated as there would be no addition proposed to the existing residence.

223.2 The addition or accessory structure shall not have a substantially adverse affect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:

(a) The light and air available to neighboring properties shall not be unduly affected;

The proposed garage would be located in the rear yard and would not extend further than the existing garage structure of the abutting dwelling to the west. Therefore, the air and light available to the neighbors would not be impacted. The residence to the east has a parking pad so that light and air would not be affected by the proposed structure.

(b) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised;

Views from the deck would be directed toward the rear yard of the residence and would be no different if the deck were to be attached to the residential structure. The applicant has stated that the proposed design would include a south facing green wall for climbing plants and screening of the deck to reduce the visibility from the deck and enhance the privacy to neighboring yards and decks. Thus, this criterion would be satisfied.

The neighbor to the west at 806 L Street NE has signed a letter in support of the proposed structure. The applicant has also provided evidence into the record to indicate that the property owner to the east at 810 L Street received notice of the proposed garage with deck. However, no response has been forthcoming to date.

- (c) *The addition or accessory structure, together with the original building, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale and pattern of houses along the subject street frontage;*

The proposed garage structure and deck would be visible from the public alley and would be compatible in scale and height with existing garages in the alley. Its front façade would occupy the full length of the alley frontage, which would be typical of other structures. It would also conform to the fifteen feet height requirement for accessory structures in the zone district. The proposed roof deck of the garage would be compatible with other deck structures that are common in the residential R-4 District.

- (d) *In demonstrating compliance with paragraphs (a), (b) and (c) of this subsection, the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the proposed addition or accessory structure to adjacent buildings and views from public ways.*

The submission provided sufficient information about this proposal.

- 223.3 *The lot occupancy of all new and existing structures on the lot shall not exceed fifty percent (50%) in the R-1 and R-2 Districts or **seventy percent (70%)** in the R-3, **R-4**, and R-5 Districts.*

The proposed 70% lot occupancy is the maximum allowed under this provision.

- 223.4 *The Board may require special treatment in the way of design, screening, exterior or interior lighting, building materials, or other features for the protection of adjacent and nearby properties.*

No special treatment is recommended.

- 223.5 *This section may not be used to permit the introduction or expansion of a nonconforming use as a special exception.*

No nonconforming use would be established or expanded under this proposal.

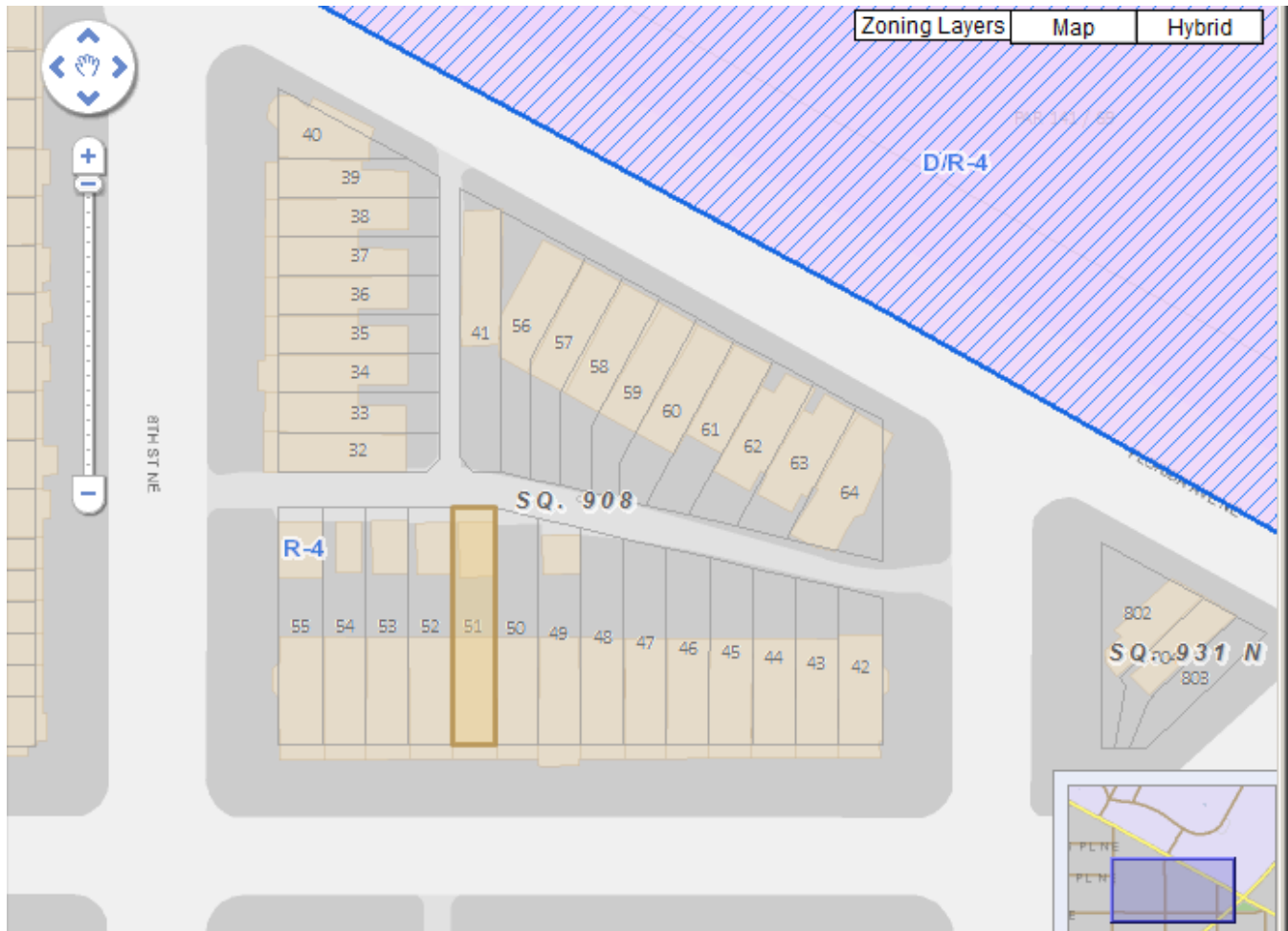
VI. AGENCY COMMENTS

The District Department of Transportation expressed no concern about this proposal in a memorandum dated March 22, 2012.

VII. COMMUNITY COMMENTS

The applicant's representative informed OP via email dated 3/22/2012, that the Economic Development and Zoning Committee of the ANC 6A voted unanimously to approve the proposal on March 21, 2012.

BZA 18361 – 808 L St. NE (Expedited)



DC Zoning Map